

### **DETAILED ACTION**

This office action is in response to the amendment, remarks and new reissue declaration filed on 10/22/2009.

#### ***Allowable Subject Matter***

1. Claims 1-7, 9-29, 71, 75-95, 97, 99-102, 104-106 and 108-120 are allowed.

With respect to claim 1, the following is an examiner's statement of reasons for allowance: the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "an oil sump disposed between said outer shell and said mounting frame, said oil sump being in communication with said first scroll compressor through a first bore in said drive shaft and said second scroll compressor through a second bore in said drive shaft", in combination with the other claim limitations.

With respect to claim 75, the following is an examiner's statement of reasons for allowance: the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "a mounting frame disposed within said outer shell; a motor disposed between said first and second scroll compressors and attached to said mounting frame, said motor being drivingly coupled to said drive shaft; an oil sump disposed between said outer shell and said mounting frame", in combination with the other claim limitations.

With respect to claim 76, the following is an examiner's statement of reasons for allowance: the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "a first capacity modulation system for applying a force to said second scroll member to move said second scroll member between said first position where said first scroll compressor operates at substantially full capacity and said

second position where said first scroll compressor operates at substantially zero capacity; and an oil sump disposed between said outer shell and said mounting frame", in combination with the other claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodríguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cuff can be reached on 571-272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William H. Rodríguez/  
Primary Examiner, Art Unit 3741

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